

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE



Serial No. : 10/577,982

Applicant : Makoto KOIZUMI

Filed : May 2, 2006

For : OLIGONUCLEOTIDES HAVING A
2'-0,4'-C-ETHYLENE ...

Art Unit : 1637

Examiner : Mark STAPLES

Docket No. : 06189/HG

Confirm No. : 2978

Customer No.: 01933

RESPONSE FILED CONCOMITANTLY WITH RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL STOP RCE

S I R :

Submitted concomitantly herewith is a DECLARATION UNDER 37
CFR 1.132 of Dr. Makoto KOIZUMI dated January 23, 2009
(hereinafter referred to as the "January 23, 2009 KOIZUMI
DECLARATION").

The January 23, 2009 KOIZUMI DECLARATION serves to
supplement the previously submitted DECLARATION UNDER 37 CFR
1.132 of Dr. Makoto KOIZUMI dated October 29, 2008 (hereinafter
referred to as the "October 29, 2008 KOIZUMI DECLARATION"). The
January 23, 2009 KOIZUMI DECLARATION also serves to rebut

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Dorothy DeFrancesco
Dorothy DeFrancesco

In the event that this Paper is late
filed, and the necessary petition
for extension of time is not filed
concurrently herewith, please consider
this as a Petition for the requisite
extension of time, and to the extent
not tendered by Form PTO-2038 attached
hereto, authorization to charge the
extension fee, or any other fee
required in connection with this
Paper to Account No. 06-1378.

statements on the last page of the December 5, 2008 ADVISORY ACTION.

The information provided on pages 4 to 7 of the January 23, 2009 KOIZUMI DECLARATION (in conjunction with the October 29, 2008 KOIZUMI DECLARATION) clearly shows that (i) Latorra et al., Human Mutations, (2003), 22, 79-85 (hereinafter referred to as "Latorra et al.") teach only how to make primers which have LNA at the 3' end and (ii) there is no disclosure in Latorra et al. of a nucleotide having a LNA at the third nucleotide from the 3' end of the oligonucleotide.

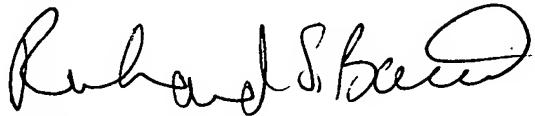
The information furnished on pages 8 to 11 of the January 23, 2009 KOIZUMI DECLARATION clearly shows that a person of ordinary skill in the art would not consider substituting the ENA units of Koizumi et al., Nucleic Acids Research, (2003), 13, No. 12, 3267-3273, for the LNA units of Latorra et al.

Reconsideration is requested. Allowance is solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the

undersigned at the telephone number given below for prompt
action.

Respectfully submitted,



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